

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)	
)	
Amendment to Part 97 of the)	WT Docket No. 05-235
Commission's Rules to Implement)	
WRC-03 Regulations Applicable to)	RM-10781, RM-10782, RM-10783,
the Requirements for Operator)	RM-10784, RM-10785, RM-10786,
Licenses in the Amateur Radio Service)	RM-10787, RM-10805, RM-10806,
)	RM-10897, RM-10808, RM-10809,
)	RM-10810, RM-10811, RM-10867,
)	RM-10868, RM-10869, RM-10870

To The Commission:

COMMENTS OF W. J. J. HOGGE

1. I hold an Amateur Extra class amateur radio license. My call sign is W3JJH. As an Extra class licensee, I have already passed an examination in Morse telegraphy and have the broadest operating privileges available. When it comes to my personal interest in the controversy concerning the telegraphy requirement, I don't have a dog in the fight. I am, however, deeply concerned for the continued health of the Amateur Radio Service.

2. I wish to express my agreement with the Commission's conclusion in the *Notice of Proposed Rule Making and Order* (WT Docket 05-235) that the telegraphy requirement should be eliminated for all classes of Operator Licenses in the Amateur Radio Service. I believe that the Commission is correct in stating that such a change would "encourage individuals who are interested in communications technology, or who are able to contribute to the advancement of the radio art, to become amateur radio operators ..."¹

3. In particular, I wish to express complete agreement with the proposition that telegraphy testing is unnecessary.² Manual telegraphy is an obsolescent mode of communication only used by hobbyists/enthusiasts or in a few special military and commercial applications.

¹ See WT Docket No. 05-235 at 3.

² *ibid.* at 47.

4. Some who argue in favor of keeping the manual telegraphy requirement point out that continuous wave transmitters are among the simplest means of communication and that such low-bandwidth systems are able to provide emergency communications even under extremely adverse conditions. The use of manual telegraphy during the initial stages of the relief effort for the recent Indian Ocean tsunami is often cited to demonstrate the mode's continued usefulness. The question the Commission properly addressed is not whether manual telegraphy is still useful, but whether it is so central to the Amateur Radio Service that all licensees must demonstrate proficiency in its use in order to have access to the Service's allocations below 30 MHz.

5. The Commission correctly concluded in its Report and Order 99-412 that proficiency in manual telegraphy was no longer necessary except for the then current requirement of the ITU Radio Regulations.³ That international requirement no longer exists.

6. Because it is no longer in general use, because the Commission has previously found that it serves no useful regulatory purpose, and because there is no longer any applicable international regulation, continuing the requirement for new licensees to demonstrate manual telegraphy skill could be construed as arbitrary and capricious and unsupported by the substantial evidence previously reviewed by the Commission. In eliminating telegraphy testing the Commission would be taking positive action to meet its statutory obligation to "generally encourage the larger and more effective use of radio in the public interest ..."⁴

7. I encourage the Commission to amend Part 97 of its Rules as proposed in the *Notice of Proposed Rule Making and Order* as quickly as law and its procedures allow.

Respectfully submitted,

/s/
W. J. J. Hoge
20 Ridge Road
Westminster, Maryland 21157

Dated: 2 August, 2005

³ See the *Report and Order*, FCC 99-412, adopted Dec. 22, 1999, released Dec. 30, 1999 at 5, 22 and 25.

⁴ 47 USC 303(g).